

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:23-cv-00336-M

KENYA TEASLEY,

Plaintiff,

v.

TASHA O'NEAL, and
F. BLAIR WILLIAMS,

Defendants.

ORDER

This matter comes before the court on a memorandum and recommendation (“M&R”) issued by the Honorable Robert T. Numbers, II, recommending that the court dismiss the case without prejudice for the Plaintiff’s failure to comply with a court order to correct her deficiencies in filing this action, including paying the requisite filing fee or applying to proceed *in forma pauperis*.¹ DE 6. Judge Numbers advised Plaintiff that she may file an objection to the M&R within fourteen (14) days after it was served. *Id.* at 3. Plaintiff has filed no objection.


A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of

¹ Plaintiff contends that “this complaint was paid for already under 5:22-cv-00115[-BO].” DE 5 at 1. However, Judge Numbers correctly notes that the previous case was dismissed by the Honorable Terrence W. Boyle, who granted the defendants’ motion to dismiss and closed the case on February 23, 2023. M&R, DE 6 at 2; *see also* 5:22-cv-115-BO, DE 8. Plaintiff did not file the present action until June 21, 2023, and is required to pay the applicable filing fee or apply to proceed *in forma pauperis* in each new action.

those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the entire record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff’s Complaint is DISMISSED WITHOUT PREJUDICE. The Clerk of Court is directed to close this case.

SO ORDERED this 17th day of August, 2023.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE